

# **MINUTES**

## **UTAH BOARD OF NURSING MEETING**

**MARCH 30, 2007**

**Room 474 – 4<sup>th</sup> Floor – 10:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 10:05 am

**ADJOURNED:** 2:22 pm

**Bureau Manager:**  
**Board Secretary:**

Laura Poe  
Shirlene Kimball

**Conducting:**

Pam Rice, Chair

**Board Members Present:**

Pam Rice  
Marilyn Johnson  
Diane Forster-Burke  
Marie Partridge, public member  
Joel Allred  
Susan Kirby  
Nancy Knape  
Mary Williams

**Board Members Excused:**

Barbara Jeffries

**Division staff:**

Connie Call, Discipline specialist

**Guests:**

Elyssa Paulson, Westminster College Student  
Rachelle Hatch, Westminster College Student  
Pam Shelton, Westminster College Student  
Hollie Hogan, Westminster College Student  
Melinda Frandsen, U of U MPA program student  
Pamela Whiting, Westminster College Student  
Stephanie West, Westminster College Student  
Brian Kelly, Westminster College Student  
Megan Kelly, Westminster College Student  
Marie Azay, Westminster College Student  
I. Marlene Summers, Westminster College  
Bryan Berry, Westminster College  
Sara Maherdran, Westminster College Student  
Jeannie Davis, Westminster College Student  
Amanda Jensen, Westminster College Student  
Ashley Gillett, Westminster College Student

Sarah Scotts, Westminster College Student  
Kearsta Washburn, Westminster College Student  
Nichole Yack, Westminster College Student  
Amy Anderson, Westminster College Student  
Kallie Wilson, Westminster College Student

## **TOPICS FOR DISCUSSION**

### **ADMINISTRATIVE BUSINESS:**

February 23, 2007 Minutes:

### **NEW BUSINESS:**

Environmental Scan:

Legislative Wrap-up and Implications:

Connie Call - Discipline Report:

Probation Modification Requests:

## **DECISIONS AND RECOMMENDATIONS**

The February 23, 2007 minutes were approved with corrections. All Board members in favor.

Ms. Rice and Ms. Kirby reported on the APRN meeting held in Chicago.

Ms. Poe reported the following bills passed: HB 299, which limits licensure to anyone with a felony conviction; SB 45, nursing amendments placing CRNAs and CNMs into the APRN compact

Ms. Poe indicated rules regarding Medication Aide Certified will be filed by the middle of April. Other rules for the CRNA/CNMs and changes to educational program section will be filed separately.

The discipline report was reviewed. A Motion was made to have Donna Cook meet with Ms. Poe and Ms. Call to explain why she is not complying with the terms and conditions of her Order. The Motion was seconded. All Board members in favor.

Stephanie Bell has not submitted the required paperwork and is out of compliance with her Order. She has been referred for an Order to Show Cause Hearing.

Karen Christiansen requested her access to controlled substance be returned. Board members reviewed the file and discussed the concerns of her employer. The employer reports reflect a decline in performance and in a telephone conversation with the employer, the employer indicated there are concerns regarding inappropriate comments and patient abandonment. Mr. Allred made a Motion to require Ms. Christiansen to obtain a mental health evaluation from a Division

approved provider because of the concerns and to table her request for access until the evaluation has been reviewed by the Board. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Blaine Campbell: A letter from Mr. Campbell's therapist indicated counseling is no longer necessary. Mr. Allred made a Motion to terminate the therapy requirement. Ms. Johnson seconded the Motion. All Board members in favor.

Nancy Stone is requesting her Order be amended to allow for general, off-site supervision instead of direct on-site supervision of an RN or physician. Ms. Stone's Order was amended last month and access to controlled substances was returned. Ms. Johnson made a Motion to deny the request for general, off-site supervision due to the short length of time she has been on probation. Board members would like to monitor her practice with access to controlled substances while she has a direct supervisor. However, the requirement can be amended to allow for the direct supervision of a nurse or physician licensed in good standing. The Motion was seconded. All Board members in favor.

## **PROBATION INTERVIEWS:**

### **GROUP 1**

Conducting: Joel Allred  
Secretary: Shirlene Kimball

Stacie Wood,  
New Order:

Members present: Mr. Allred, Ms. Partridge, Dr. Williams and Ms. Forster-Burke

Mr. Allred conducted the interview. Ms. Wood explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of the order. She indicated she would not be attending meetings and would not sign up for the drug screens until the evaluation from Dr. Dusoe had been received indicating the meetings and drug screens were necessary. Committee members indicated she must attend the required meetings. Committee members also indicated that the Order requires she submit to the drug screens and it is her responsibility to make sure she remains in compliance with her Order.

Stephen Steward,  
New Order:

Ms. Forster-Burke conducted the interview. Mr. Steward explained the circumstances that brought him before the Board. He stated he understands the terms and conditions of the Order.

GROUP II  
Conducting: Marilyn Johnson  
Secretary: Connie Call

Members present: Ms. Knape, Ms. Rice, Ms. Johnson and Ms. Kirby.

Michelle McArdle,  
Annual Probation Interview:

Ms. McArdle met with the Committee for her annual interview. She requested early termination of probation and the Committee will recommend denial of her request because of her history of non-compliance and two OSC Hearings. Committee members will recommend a decrease in the frequency of drug screens.

Douglas Zitting,  
Interview:

Mr. Zitting met with the Committee last month and reportedly was hospitalized for health problems several days later. He has not submitted any paperwork and is totally out of compliance with the terms and conditions of his order. Mr. Zitting indicated he will think about surrendering his license. If he decides he does not want to surrender the license, the Committee recommends that he be referred for an Order to Show Cause Hearing.

Theresa Brewer,  
Interview:

Ms. Brewer met with the Committee to request access to controlled substances be returned and to amend her Order to allow her to call in prescriptions to pharmacies. She is in compliance with the terms and conditions of her Order and Committee members will recommend that her requests be approved.

Reconvened to Total Board at 11:22 a.m.

**TOTAL BOARD BUSINESS:**

Dustin Jasmer, New applicant  
Interview:

Ms. Forster-Burke conducted the interview. Mr. Jasmer met with the Board to explain his yes answers on the LPN application. Mr. Jasmer indicated he had one DUI conviction, an arrested for a second DUI but was not charged; he indicated had two shoplifting charges and 2 or 3 forgery charges that were reduced to misdemeanors. He stated he has completed all requirements of the criminal probation. He stated he is

currently working as a CNA at the ATC at Ogden Regional Medical Center. Mr. Jasmer stated he has changed every aspect of his life and has been clean and sober since April 20, 2004. He stated he voluntarily entered the ATC program at Ogden Regional in 2004, completed the treatment program and two years of aftercare. He stated he attends one or two NA meetings a week and is a sponsor to several individuals. He will complete the RN program in December. Mr. Allred made a Motion to approve Mr. Jasmer to sit for the PN NCLEX examination, and once he passes, issue the license on a 5 year probation with the standard substance abuse terms and conditions with the exception he does not have to provide the evaluations and is not required to have therapy. During clinical practice time as a student nurse under direct supervision, he can have access to controlled substances. A faculty performance report will also be required. Ms. Johnson seconded the Motion. Ms. Rice abstained. All other Board members in favor.

Gina D'Ottavio, New applicant  
Interview:

Ms. D'Ottavio was placed on the agenda but attempts to contact her failed. She will be contacted and placed on the agenda next month.

Report from Probation Peer Committee  
meeting:

Michelle McArdle: Ms. McArdle requested early termination of probation. The recommendation from the Committee is to deny the request based on the number of times Ms. McArdle has been non-compliant with the terms and conditions of her Order. However, a recommendation was made to reduce the frequency of random urine screens. All Board members in favor of the recommendations.

Douglas Zitting has not submitted the required reports and is out of compliance with the terms and conditions of his Order. He is not doing well and will consider voluntarily surrendering his license. Committee members made a recommendation that if he does not surrender his license an Order to Show Cause Hearing for revocation of the license be scheduled. All Board members in favor.

Theresa Brewer requested her access to controlled substance be returned. She has been doing well on

probation and Committee members recommend her access to controlled substances be returned. All Board members in favor. Committee members recommended she be allowed to call in prescriptions. All Board members in favor.

Report from Education Committee meeting:

Utah Valley State College submitted curricular changes for review. The program also submitted a request for a satellite program in Heber. Education Committee members recommend approval of the requests. All Board members in favor.

The Indiana State University request to allow students to receive clinical hours in Utah under preceptors has been tabled until rules regarding this issue have been finalized.

Stevens-Henager site visit: Stevens-Henager changed their curriculum, they do not have faculty contracts, the equipment and supplies are on order and not all of the clinical contracts have been signed. Committee members recommend another site visit be made before the programs begins to teach nursing courses to ensure adequate resources are available for the students. All Board Members in favor.

Utah Career College: Committee members are concerned with the low pass rate for the first cohort. This pass rate was 44%. The program also failed to pass the NLNAC accreditation site visit. There is another NLNAC accreditation site visit planned for the fall and the program director indicated the school has been making changes suggested by the NLNAC site visitors. Ms. Richards reported the program has started making changes to admissions criteria. Committee members also indicated concern with grade inflation. Committee members will carefully review the pass rate of the graduates and if the low pass rate trend continues, the Board will need to take action against the program. During the meeting with the Committee, Ms. Richards indicated she is now working at the Western Governors University but has contracted with Utah Career College to be a consultant until the NLNAC accreditation process has been completed. Committee members indicated the program needs to submit notice of the new director and submit the new director's vitae. The Board will

continue to monitor the pass rates. Board members indicated rules need to be written stating that a new program can not accept more students if the criteria is not being met.

Committee members recommended a letter be sent to the Western Governors University expressing concern with the educational preparation of the curriculum coordinator and the lack of documentation of the ability to successfully start a new program. A Motion was made that the Division send a letter to the Western Governors University listing those concerns. All Board members in favor.

#### **DISCUSSION ITEMS:**

##### **Medication Aide Pilot Program:**

Ms. Poe indicated she is still working on obtaining a certification examination. She indicated information regarding the Medication Aide Pilot program is now on the Division's web site and Rules will be filed by the end of April. Ms. Poe questioned if it would be acceptable to have the school submit a letter expressing the desire to offer the medication aide training program in lieu of an application. Board members indicated a letter would be acceptable and should address 1). Division/Board approval status; 2). Documentation of NLNAC or CCNE accreditation; 3). Adequate number and preparation of faculty including faculty vitae; 4). Proposed date to begin training; 5). Facility where practice hours will be completed and documentation of facility license; 6). Attestation of training program affirming compliance with standards and curriculum of the pilot program.

##### **Discussion regarding the length of time from graduation to sitting/passing the licensure examination:**

Ms. Poe indicated there is nothing in rule that limits the time between graduating from an approved nursing program and sitting for the examination. There are some individuals who have been out of school for a long period of time and now want to sit for the exam. They can not take the refresher program because they have never been licensed. Should there be a time limit from the date of graduation to passing the examination? Board members questioned how many times an individual is allowed to sit for the examination. Ms. Poe indicated Utah does not have a limit.

Board members indicated there should be a limit between the time of graduation and passing the examination, but are not sure the length of time or the number of attempts. There would be a difference between the PN/RN and the APRN. It was suggested that data be gathered and this issue brought back before the Board. It was suggested that the nursing education programs be invited to participate in this discussion.

Review application and evaluation on Janie Wanous:

Board members reviewed the neuropsychiatric evaluation provided on Janie Wanous. Ms. Wanous' had previously met with the Board and discussed her application for licensure. Mr. Allred made a Motion to allow Ms. Wanous to sit for the NCLEX-PN examination, and upon passing, issue a license on a 5 year probation with the standard substance abuse terms and conditions. Ms. Partridge seconded the Motion. In favor of the Motion: Mr. Allred, Ms. Partridge, Dr. Williams, Ms. Kirby and Ms. Knape. Opposed to the Motion: Ms. Johnson, Ms. Rice and Ms. Forster-Burke. The Motion carried.

Review proposed Rules for Delegation of Nursing Tasks in a School Setting:

Ms. Poe provided a draft of the propose Rules for Delegation of Nursing Tasks in a School Setting. Ms. Forster-Burke made a Motion to move forward with filing the proposed rules. Ms. Johnson seconded the Motion. All Board members in favor.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

04/30/2007  
Date Approved

(ss) Pam Rice  
Chair Utah Board of Nursing

04/30/2007  
Date Approved

(ss) Laura Poe  
Executive Administrator, Utah Board of Nursing, Bureau  
Manager, Division of Occupational & Professional Licensing